

MATTER OF ANTALAINEN

In Deportation Proceedings

A-19160785

Decided by Board August 6, 1969

Because deportation proceedings are not the proper forum, request of respondent on appeal in such proceedings is denied for reopening solely for the issuance of subpoenas to officials of the Department of Labor with which to challenge in judicial proceedings that Department's denial of her request for a labor certification, upon the issuance of which depends her eligibility for adjustment of status under section 245 of the Immigration and Nationality Act, as amended.

CHARGE:

Order: Act of 1952—Section 241(a) (2) [8 U.S.C. 1251]—Nonimmigrant temporary visitor—remained longer.

ON BEHALF OF RESPONDENT: Donald L. Ungar, Esquire
517 Washington Street
San Francisco, California 94111

On May 9, 1969, the special inquiry officer granted the respondent the privilege of departing from the United States voluntarily without expense to the Government on or before June 8, 1969, or any extension beyond such date as might be granted by the District Director, and under such conditions as the District Director should direct. The special inquiry officer also provided for the respondent's deportation from the United States to Finland, on the charge contained in the order to show cause, in the event of her failure so to depart. The appeal from his decision, which brings the case before this Board for consideration, will be dismissed.

The record relates to a female alien, a native and citizen of Finland, who last entered the United States on or about March 7, 1968. She was then admitted as a visitor for a temporary period until June 30, 1968. She was thereafter authorized to remain in the United States in that status until December 30, 1968. She has, however, remained here since the latter date without authority.

The foregoing establishes the respondent's deportability on the